

Message Text

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ACTION DLOS-09

INFO OCT-01 ISO-00 TRSY-02 ACDA-12 AGRE-00 AID-05
CEA-01 CEQ-01 CG-00 CIAE-00 COME-00 DODE-00
DOTE-00 EB-08 EPA-01 SOE-02 DOE-15 FMC-01 H-01
INR-10 INT-05 IO-13 JUSE-00 L-03 NSAE-00 NSC-05
NSF-01 OES-07 OMB-01 PA-01 PM-05 SP-02 SS-15
ICA-11 AF-10 ARA-10 EA-10 EUR-12 NEA-11 OIC-02
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INFO LOS COLLECTIVE

AMEMBASSY KATHMANDU

AMEMBASSY SUVA

C O N F I D E N T I A L SECTION 01 OF 02 GENEVA 07184

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS CONFERENCE - CLASSIFIED WEEKLY SUMMARY,
MAY 1-5

BEGIN SUMMARY.

THE LL/GDS NEGOTIATIONS MOVED FORWARD ON THE BASIS OF THE
NANDAN DRAFT IN NG-4 ON THE FISHERIES ISSUE. THE SUPPORTERS
OF THE IRISH FORMULA FOR THE SHELF CLASHED WITH EASTERN
EUROPEAN BACKERS OF A SOVIET PROPOSAL. THE US CONTINUED
TO PRESS ITS POLLUTION AND SCIENCE AMENDMENTS. END
SUMMARY.

1. (THERE IS NO COMMITTEE 1 CLASSIFIED REPORT.)

2. NG-4 CHAIRMAN NANDAN PRESENTED A COMPROMISE PROPOSAL
ON THE PACKAGE OF LL/GDS-ACCESS-TO-FISHERIES ISSUE. IT
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APPEARS THAT HIS SUGGESTIONS REPRESENT A POSSIBLE BASIS
FOR AGREEMENT. NANDAN INCORPORATED A REFERENCE TO ACCESS
TO AN APPROPRIATE PART OF THE SURPLUS, RATHER THAN A
GENERALIZED PREFERENCE TO THE LIVING RESOURCES OF THE ZONE.
THIS SEEMS TO HAVE ALLAYED THE FEARS OF ALL BUT THE MOST
HARD-LINE COASTAL STATES AND SEEMS TO BE GENERALLY
ACCEPTABLE TO MOST LL AND GDS AS WELL. THE MOST SERIOUS

RESERVATIONS CONCERN THE JOINT VENTURES' PARAS OF ARTICLES 69 AND 70. DEVELOPING COASTAL STATES, ESPECIALLY THOSE WHICH ALREADY HAVE JOINT VENTURES WITH THIRD PARTIES, HAVE RESERVATIONS TO THESE PARAS AS WRITTEN. CERTAIN DEVELOPING COASTAL STATES HAVE EXPRESSED, HOWEVER, A WILLINGNESS TO GIVE A PREFERENCE TO JOINT VENTURES WITH OTHER DEVELOPING COASTAL COUNTRIES PROVIDED THAT THE OFFERS OF THE LATTER ARE AT LEAST EQUAL TO THOSE OF OTHERS. OPTIMISM ON THE LL/GDS ISSUE IS BASED UPON THE FAILURE OF MOST INTRANSIGENT COASTAL STATES, E.G., PERU, TO SABOTAGE THE GENERAL APPEAL OF THE NANDAN TEXT, AN IMPRESSION CONFIRMED IN BOTH THE NEGOTIATING GROUP ITSELF AND IN PRIVATE CONVERSATIONS.

3. NG-6 CONTINUED ITS DISCUSSION OF THE DEFINITION OF THE SHELF/REVENUE SHARING ISSUE. FURTHER SUPPORT FOR THE IRISH FORMULA HAS EMERGED WHILE THE SOVIET PROPOSAL HAS NOT MUSTERED ANY BACKING BEYOND THAT OF THE EASTERN BLOC. THE SITUATION WITH RESPECT TO THESE NEGOTIATIONS IS STILL FLUID, ALTHOUGH THE OUTCOME CONTINUES TO BE LINKED TO RESOLUTION OF LL/GDS ACCESS-TO-THE-LIVING-RESOURCES QUESTION.

4. COMMITTEE II CONTINUED AN ARTICLE-BY-ARTICLE CONSIDERATION OF THE RELEVANT PROVISIONS OF THE ICNT (OTHER THAN SUBJECTS CONSIDERED BY NEGOTIATING GROUPS) WHICH FALL
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WITHIN ITS TERMS OF REFERENCE. DISCUSSION HAS PROGRESSED TO PART IV (ARCHIPELAGIC STATES) OF THE TEXT. NO PROPOSAL HAS COMMANDED, HOWEVER, SUCH WIDESPREAD AND SUBSTANTIAL SUPPORT THAT IT MIGHT RESULT IN CHANGES TO THE EXISTING ARTICLES. CHAIRMAN AGUILAR SAID IN PRIVATE CONVERSATIONS WITH USDEL REPS THAT HE DOES NOT FORESEE ANY CHANGES TO NON-HARDCORE ARTICLES IN THE ICNT RESULTING FROM THESE DISCUSSIONS.

5. IN THE SMALL WORKING GROUP OF NG-5, NORWAY WAS THE SOLE VOCAL DEFENDER OF THE EXTREME COASTAL STATE POSITION. THE NORWEGIAN REP EXPLAINED PRIVATELY HIS CONCERN THAT THE DISPUTE SETTLEMENT TEXT NOT GIVE THE GERMAN DEMOCRATIC REPUBLIC AND OTHER EASTERN EUROPEANS LEVERAGE TO MAKE EXCESSIVE DEMANDS FOR ACCESS TO NORWAY'S ECONOMIC ZONE. NORWAY WAS AIDED SOMEWHAT BY AUSTRALIA (AMBASSADOR BRENNAN) WHICH, WHILE PROFESSING A GREAT INTEREST IN COMPULSORY SETTLEMENT, WORKED HARD TO WHITTLE IT DOWN AS MUCH AS POSSIBLE. THROUGHOUT THE WEEK MEXICO, IN THE PERSON OF AMBASSADOR CASTANEDA HIMSELF, TOOK THE LEAD IN OFFERING WORKABLE COMPROMISES, WHILE MOST OF THE OTHER COASTAL STATES REMAINED SILENT. THE SOVIET UNION AND JAPAN

CONTINUE TO BE VERY DISSATISFIED WITH THE COMPLETE
ABANDONMENT OF BINDING SETTLEMENT FOR DISPUTES CONCERNING
ACCESS TO COASTAL FISHERIES. THEIR POSSIBLE OPPOSITION TO
ANY AGREEMENT BETWEEN COASTAL STATES AND THE LL/GDS MAY
BECOME AN IMPEDIMENT TO REVISION OF THE ICNT.

6. ON COMMITTEE III ISSUES, THE US MET WITH THE UK AND
USSR TO GET THEIR SUPPORT FOR US MARINE POLLUTION PROPOSALS
THE UK APPARENTLY HAD RECEIVED NEW INSTRUCTIONS TO TAKE
A MORE FLEXIBLE ATTITUDE, DUE IN LARGE PART THE USDEL
BELIEVES TO THE TIMELY DEMARCHES MADE IN WASHINGTON AND
LONDON. AFTER LENGTHY DISCUSSIONS MAY 2, AMENDMENTS ON
ECONOMIC ZONE ENFORCEMENT AND PREEMPTION WERE AGREED AD
REFERENDUM BY THE UK, AND THE USSR ALSO INDICATED AGREE-
MENT. ON MAY 2, HOWEVER, WHILE THE UK INDICATED ITS
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ABILITY TO ACCEPT THE TEXT, THE USSR SAID THE PROPOSALS
WERE UNACCEPTABLE. THE SOVIETS INDICATED THAT EVEN IF
THEY AGREED TO AMENDMENTS, THE US WOULD THEN HAVE TO SELL

THEM TO THE DEVELOPING COUNTRIES AND THE OTHER MARITIME STATES. THIS IS ASSUMED TO MEAN THEY WOULD NOT PUT PRESSURE ON YANKOV TO INCLUDE US-USSR-UK COMPROMISES IN ANY REVISED TEXT.

7. AT THE WEEKLY G-5 LUNCH ON MAY 3, AMBASSADOR RICHARDSON ENGAGED MINISTER KOZYREV, HEAD OF THE USSR DELEGATION, IN A LENGTHY DISCUSSION REGARDING POLLUTION AND MARINE SCIENTIFIC RESEARCH. KOZYREV PROFESSED IGNORANCE OF WHERE THE POLLUTION NEGOTIATIONS STOOD AND AMBASSADOR RICHARDSON PROMISED A ONE-PAGE SUMMARY OF THE SITUATION TO BRING HIM UP-TO-DATE. WHILE KOZYREV AGREED TO RESPOND TO THE US SUGGESTIONS BY MAY 6 OR 7, IT APPEARS THE SOVIETS ARE STALLING TO INHIBIT SUPPORT FOR US AMENDMENTS. WITHOUT SUCH STRONG SUPPORT, YANKOV WOULD NOT INCLUDE US CHANGES
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IN THE REVISED TEXT. THE UK SHARES CONCERNS ABOUT THE AMERICAN PROPOSALS AND, ALTHOUGH IT CAN NOW ACCEPT SOME COMPROMISES, CANNOT BE EXPECTED TO WORK ACTIVELY FOR THEM. GIVEN THE LIMITED TIME AVAILABLE, ONE CANNOT BE OPTIMISTIC THAT THE US PROPOSALS RELATING TO ARTICLES 221 AND 229 WILL BE REFLECTED IN A REVISED ICNT.

8. THE MARINE SCIENTIFIC RESEARCH (MSR) ISSUE IN COMMITTEE III REMAINS A SERIOUS DISAPPOINTMENT. DESPITE STRENUOUS AND BROAD-RANGING EFFORTS BY THE USDEL AND THE AMERICAN SCIENTIFIC COMMUNITY THERE HAS BEEN LITTLE DIMINUTION OF THE DEVELOPING COUNTRIES FEARS ABOUT MARINE SCIENTIFIC RESEARCH. THIS WIDELY-HELD ANXIETY ABOUT MSR HAS NOT BEEN SUSCEPTIBLE TO EITHER REASONABLE ARGUMENT OR LOGICAL PERSUASION. THE VEHEMENCE WITH WHICH THE RESTRICTIVE MSR PROVISIONS ARE DEFENDED HAS INHIBITED EVEN THE OTHER ADVANCED RESEARCHING STATES FROM MAKING A FIGHT OF THIS PROBLEM. ONLY THE FRG AND THE NETHERLANDS HAVE BEEN WILLING TO ADD THEIR MODEST VOICES TO THAT OF THE US IN WHAT MANY CONSIDER TO BE A NO-WIN ISSUE.

9. IN 1975, THE USSR FELL OFF ITS AGREEMENT TO SUPPORT A REASONABLY OPEN MSR REGIME AND, GIVEN ITS INFLUENCE OVER THE COMMITTEE THREE CHAIRMAN (YANKOV OF BULGARIA), CHANGES IN THE TEXT WILL BE IMPOSSIBLE WITHOUT AT LEAST ITS ACQUIESCENCE. THE USG HAS BEEN SEEKING ON A BROAD FRONT TO GET SOVIET RE-CONSIDERATION OF ITS STAND. UNTIL SUCH TIME AS THIS IS ACHIEVED OR THE PSYCHOLOGICAL BARRIER AMONG THE DEVELOPING COUNTRIES IS BREACHED, THE USDEL HAS CONCENTRATED ON REVIVING THE MSR LANGUAGE PRODUCED IN THE CASTANEDA NEGOTIATIONS AT THE LAST SESSION. THIS CASTANEDA PACKAGE HAD AMONG ITS PROVISIONS DISPUTE SETTLEMENT ON FISHERIES AND A CLAUSE TO LIMIT SOVEREIGNTY CLAIMS

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OVER THE ECONOMIC ZONE AS WELL AS IMPROVED MSR SUGGESTIONS.
THE US WANTS TO MAINTAIN A LINK BETWEEN MSR AND OTHER
PARTS OF THE CASTANEDA TEXT NOT PRESENTLY INCLUDED IN THE
ICNT. THE SOVIETS HAVE A STRONG INTEREST IN THE ECONOMIC
ZONE SECTION AS DO DEVELOPING COASTAL STATES IN THE
FISHERIES PART. THE OPPORTUNITIES FOR REAFFIRMING ALL
ASPECTS OF THE CASTANEDA PACKAGE, HOWEVER, ARE RAPIDLY
DIMINISHING AS THE LDCS SEEM TO BE GATHERING ENOUGH
SUPPORT TO GET THE FISHERIES LANGUAGE ALONE.
RICHARDSON

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